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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,993	11/12/2003	Per Persson	07589.0075.NPUS01	2992
28694	7590	02/23/2005	EXAMINER	
TRACY W. DRUCE, ESQ. NOVAK DRUCE & QUIGG LLP 1615 L STREET NW SUITE 850 WASHINGTON, DC 20036			CORRIGAN, JAIME W	
			ART UNIT	PAPER NUMBER
			3748	
DATE MAILED: 02/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,993

Applicant(s)

PERSONN ET AL.

Examiner

Jaime W Corrigan

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9-20-04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Murata et al. (PN Re. 35,662).

Regarding claims 1, 6 Murata discloses each cylinder and associated piston, at least one inlet valve (See Figure 1 (16a)) and at least one exhaust valve (See Figure 1 (16b)) is provided for respectively controlling connection between a combustion chamber of the cylinder and an intake system and an exhaust system, a rotatable camshaft (See Figure 1 (20)) and cam (See Figure 3 (21)) thereupon are configured to interact with first (See Figure 2 (13)) and second (See Figure 2 (14)) cam followers in order to switch between two different operating modes, said apparatus comprising: the first and second cam followers mounted on a pivotal rocker arm (See Figure 2 (11)), the second cam follower being hydraulically adjustable between two positions by means of a piston (See Figure 2 (31)) located in a hydraulic cylinder; the hydraulic cylinder being connectable to a hydraulic fluid source via a hydraulic fluid duct; and the piston being moveable from one position to another by action of

Art Unit: 3748

a quantity of hydraulic fluid being delivered to the hydraulic cylinder (See Column 7 Lines 5-59).

Regarding claim 2 Murata discloses a control valve (See Figure 6 (63)) and a non-return valve being connected between the hydraulic fluid source (See Figure 6 (58)) and the hydraulic cylinder.

Regarding claim 3 Murata discloses the control valve is actuatable by switching between two pressure levels in a hydraulic circuit connected to the hydraulic fluid source (See Figure 6 (63)).

Regarding claim 4 Murata discloses the piston is fitted in a double-acting piston cylinder (See Figure 2 (31)).

Regarding claim 5 Murata discloses the control valve (See Figure 6 (63)) in one control position connects the hydraulic fluid source (See Figure 6 (58)) to one side of the piston via the non-return valve, and another side of the piston is connected to a drainage port for hydraulic fluid, and the non-return valve (See Figure 6 (58)) configured to shut off flow towards the hydraulic fluid source.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kreuter (PN 6,186,101), Hampton et al. (PN 5,682,848) disclose similar follower devices.

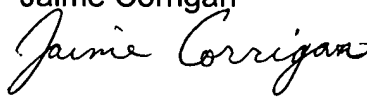
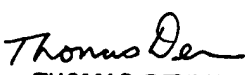
Any inquiry concerning this communication from the examiner should be directed to Examiner Jaime Corrigan whose Carlyle telephone number is (571) 272-4858. The examiner can normally be reached on Monday - Friday from 8:30 a.m. – 6:00 p.m. 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) –272-4859. The fax number for this group is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3700.

JC

Jaime Corrigan

THOMAS DENION

SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Application/Control Number: 10/605,993
Art Unit: 3748

Page 5

February 21, 2005

Patent Examiner

Art Unit 3748